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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,644	03/19/2004	Sook C. Chua	END920040015US1	7732
47121 7590 04/02/2010 (SAUL-END) PATENT DOCKETING CLERK IBM Corporation (SAUL-END) C/O Saul Ewing LLP Penn National Insurance Tower 2 North Second Street, 7th Floor Harrisburg, PA 17101				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
04/02/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,644

**Applicant(s)**

CHUA, SOOK C.

**Examiner**

Joiya M. Cloud

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-9, 11-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-16, 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

This action is responsive to the communication filed on 08/24/2009. Claims 1, 2, 4-9, 11-16, 18-22 are PENDING. Applicant's arguments have been carefully considered but moot in view of new ground(s) of rejection.

***Reopening of Prosecution***

In view of the Appeal Brief filed on 08/24/2009, PROSECUTION IS HEREBY REOPENED.  
New grounds of rejection are set forth below.

To avoid abandonment of the application, applicant must file a reply under 37 CFR 1.113

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 22 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claim 8 is drawn towards a system for managing...comprising: a JNDI proxy interposed...means for associating each client...and means for directing. The claim may be directed towards software only and software per se is non-statutory.

Claim 22 is drawn towards "a system for...the application server, comprising: storing said multiple versions...and selectively serving..." The recited steps above constitute an

abstraction (i.e. the act of selectively serving) lacking indication of a hardware component. Additionally, an application server may be software. Moreover, the system as a whole is rendered software and software per se, is non-statutory.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-9, 11-16, 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary claim 1 recites the limitation "the invocation" in lines 1 and 3. There is insufficient antecedent basis for this limitation in the claim. Claims depending from claim 1 are rejected for similar reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4-9, 11-16 and 18-22** are rejected under 35 U.S.C. 103(a) as being as being unpatentable over **Sheinis et al (US Publication No. 2005/0050548 A1)** in view of **Ohkami et al. (US Patent No. 5,603,027)**.

**As per claim 1, Sheinis** discloses the invention substantially as claimed. Sheinis teaches a method for managing the invocation of multiple versions of a J2EE program (**paragraph [0033]**), stored on an application server (**Figure 1**), among multiple clients accessing the application server, (**Figure 1, Clients 172A-172N**) comprising: interposing a JNDI proxy (**Abstract, Figure 4, item 203, Client-side Proxy, Abstract and paragraph [0028]**) between each client (**Figure 1, Client 172A-172N**) and the application server (**Figure 1, item 176A, Application server**); associating each client with one program version; and using said proxy, directing a version associated with a particular client to said particular client upon a request by said particular client for said J2EE program (**Figure 5, paragraph [0034] and [0041]**), where **Sheinis discloses where the results of the client requests is returned by the interception of the proxy**).

Sheinis does not explicitly teach using an *identical service name* for the invocation of multiple versions of a program.

However, Ohkami teaches using an *identical service name* for the invocation of a multiple versions of a program (**Abstract, where Ohkami discloses a system that enables calling programs to invoke multiple versions of a program using the same name, col. 3, lines 8-14**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Sheinis' teachings to the teachings of Ohkami, for the purpose of "reducing the amount of time and effort that a user expends when making a calling program use a new version of a called program." (See col. 3, lines 1-5).

**As per claim 2**, Sheinis-Ohkami teaches a method wherein associating each client with one of said versions comprises: assigning an identical a service name used by each client to access said J2EE program (**Ohkami: Figure 1c**); assigning an alias name for each version of said J2EE program (**Ohkami: Figure 1c**); and associating each service name for each client, associating said identical service name with the version of said J2EE program to be used by each of said clients (**Ohkami: Figure 1c**).

**As per claim 6**, Sheinis-Ohkami teaches a method wherein said J2EE program comprises e or more EJBs (**Sheinis: paragraphs [0033] and [0056]**).

**As per claim 5**, Sheinis-Ohkami teaches a method wherein said J2EE program comprises at least one JMS resource (**Sheinis: paragraph [0072]**).

**As per claim 8**, Sheinis-Ohkami teaches a method wherein said J2EE program comprises at least one JDBC datasource (**Sheinis: paragraphs [0010], [0013] and [0028]**).

**As per claim 7**, Sheinis-Ohkami teaches a method wherein said J2EE program is a system-oriented J2EE program (**Sheinis: paragraph [0069]**).

**As per claims 8-9 and 11-14**, claims 8-14 are substantially the same as claims 1-2 and 4-7, but in system form rather than method form. Therefore the rejection for claims 1-2 and 4-7 applies equally as well to claims 8-9 and 11-14.

**As per claim 15-21**, claims 15-16 and 18-21 are substantially the same as claims 1-2 and 4-7 but in computer program product form rather than method form. Therefore the rejection for claims 1-2 and 4-7 applies equally as well to claims 15-16 and 18-21-21.

**As per claim 22**, Sheinis-Ohkami teaches a system for managing the invocation of multiple versions of a J2EE program, stored on an application server, among multiple clients accessing the server, comprising: storing said multiple versions of said multiple versions of said J2EE program on a single application server (paragraph [0007], [0013] and Figure 1, item 176A); and selectively serving said multiple versions of said J2EE program to said clients based upon a version specified by said client (Figure 5, paragraph [0034] and [0041], where Sheinis discloses where the results of the client requests is returned by the interception of the proxy).

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Hiller et al. (U.S. Patent No. 6,658,659 B2).**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***JMC***

**Saturday, March 27, 2010**

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444